IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 359 OF 1988

M/s. Vikman Electronics . ... Plaintiff
VS.
Mazgaon Docks Ltd. . ... Defendant

Kavita Shah i/b. A.G. Shah for Plaintiff .
Vishal Shriyan for Defendant

CORAM: **D.G. KARNIK J**.

DATE: 29/6/2006

P.C.:

1. Heard counsel for the Plaintiff and defendant. Though the suit has been instituted more than 18 years ago the defendant has not filed his written statement. In the absence of the written statement the averments made in the plaint are deemed to be admitted.
2. The suit is for recovery of money. In the absence of the written statement the suit deserves to be decreed under Order 8 Rule 10 of C.P.C. However, learned counsel for the Plaintiff states that the Plaintiff is unable to justify the interest charged at the rate of 20% per annum, as claimed in the plaint. In the circumstances I pass the following order:

3. The suit of the Plaintiff is decreed under Order 8 Rule 10 of C.P.C. The defendant shall pay to the Plaintiff a sum of Rs.70,868/- together with interest thereon at the rate of 9% per annum from the date of the suit till payment. The defendant shall be entitled to credit of the sum, if any, already deposited in the court and the interest charged should be proportionately reduced on the sum deposited.

(D.G. KARNIK J.)